

**LOUISIANA BOARD OF VETERINARY MEDICINE  
BOARD MEETING  
December 6, 2012**

**Minutes**

**I. CALL TO ORDER**

Board President, Dr. Gary T. Levy, called the meeting to order at 8:37 a.m.

**II. ROLL CALL –**

Roll call was taken by Board Secretary-Treasurer, Dr. Steven V. Slaton, with the following results:

Those present:

Gary T. Levy, DVM	Board President
Steven V. Slaton, DVM	Board Secretary-Treasurer
William H. Green	Board Vice President
Patrick R. Bernard, DVM	Board Member
John S. Emerson, DVM	Board Member
Michael Tomino, Jr.	Board General Counsel
Wendy D. Parrish	Board Executive Director

Absent:

Guests:

Bland O'Connor, LVMA (8:30am-10:30am)

**III. APPROVAL OF MINUTES**

**A. Board Meeting October 4, 2012**

The Board reviewed the minutes from the October 4, 2012 Board meeting. Motion was made by Dr. Bernard to accept the minutes as presented, seconded by Dr. Slaton, and passed unanimously by voice vote.

**IV. FINANCIAL MATTERS AND CONTRACTS**

**A. Financial Reports – September and October 2012**

Ms. Parrish and Dr. Slaton presented the financial reports for the months of September and October 2012 for review. Motion was made by Dr. Green to approve the financial reports as presented, seconded by Dr. Bernard, and passed unanimously by voice vote.

**B. FY2014 Proposed Budget –** Ms. Parrish presented proposed budget for FY2014 for review, as well as reports from FY2012 and FY2013. Following discussion of income and expenditure projections, motion was made by Dr. Emerson, to accept the proposed budget as presented seconded by Dr. Bernard and passed unanimously by voice vote. Ms. Parrish was asked to contact other state approved banking institutions regarding current CD rates which

**V. POLICY, PROCEDURE, AND RULES**

**A. Rule Making –**

1. No action taken.

**B. Policy and Procedure**

1. No action taken.

**C. Practice Act and Rules/Related Matters/Declaratory Statements -**

1. Query presented regarding specific scenario from a veterinarian where "A" (original owner) and "B" (current possessor) are both clients with the patient assertedly being the same animal. It is submitted that B readily admitted that he "found the animal wandering in the neighborhood" which demonstrates that he is aware the animal may have been owned by another, just lost, when found wandering. Following discussion, motion was made by Dr. Bernard, seconded by Dr. Slaton, that Mr. Tomino prepare a letter, subject to Board review, informing the inquiring veterinarian that while the VCPR has been established with both A and B, and confidentiality issues appear to apply, the LBVM is of the opinion that the veterinarian should first speak with B and explain the situation with the hopes that he will voluntarily surrender the animal to A. In essence, he may be viewed as a Good Samaritan. If B is not agreeable to surrender the animal to A, then inform him that the veterinarian will need to contact client A with the information due to his VCPR relationship with him, and that a certified letter will be sent to both A and B with a statement that they will need to resolve the ownership issue in court with an Order being submitted to the veterinarian regarding the court's decision. The letters will document the file. Neither the veterinarian nor the LBVM have the legal authority to resolve the ownership issue if such becomes disputed. Only a court of law can legally determine the relevant facts and apply the law. Also, the LBVM cannot suggest nor order that A reimburse B for veterinary care expenses incurred, however, such does sound very reasonable.

The LBVM suggests that if voluntary surrender does not occur, then the veterinarian should consult with his own private attorney regarding the content of the letters and any advices regarding a dispute between the parties which may arise regarding ownership and/or the resolution of this matter. Since without an agreement of the parties, or a court order, the veterinarian cannot determine true ownership for future consent/directions for treatment, he may need to terminate the VCPR regarding this animal with both A and B until such is resolved. The only caveat is that he cannot terminate the relationship to the prejudice of the animal if needed treatment is emergent. Timing may be an issue. Motion passed unanimously by voice vote.

2. Query presented from a veterinarian regarding issues of notice and records retention regarding practice closure. Following discussion, motion was made by Dr. Slaton, seconded by Dr. Bernard, that Mr. Tomino prepare a letter, subject to Board review, informing the inquiring veterinarian that it is his legal obligation to maintain the medical record of each patient and provide a copy of the records, if one is requested, at a reasonable reproduction cost to the owner of the animal. The veterinarian must maintain the records for the five (5) year period from the date of last treatment of the animal in question. Proper notice of practice closure should at a minimum include a written notice (such as a post card, letter, or email) to the owner of each animal treated by the veterinarian and notice in the appropriate local newspaper of the practice's closure, as well as information on how and where to obtain the medical records. The length of time in the local paper should be

reasonable such as at least a minimum of once per week for two successive weeks. Motion passed unanimously by voice vote.

3. Query presented from a veterinarian regarding a CAET employed by his facility performing chemical euthanasia in a client's home. Following discussion, motion was made by Dr. Bernard, seconded by Dr. Slaton, that Mr. Tomino prepare a letter, subject to Board review, informing the inquiring veterinarian that only a licensed veterinarian or CAET (certified animal euthanasia technician) can legally perform chemical euthanasia in Louisiana. Historically, the status of CAET was created to address the need for euthanasia in animal control shelters where veterinarians were not available for the task. Accordingly, a CAET is generally employed by a specific animal control shelter, and he can only possess one active certification issued by the LBVM at any one time. However, a CAET can be employed at a private practice veterinary facility to perform chemical euthanasia. In addition, only one active certification will be issued by the LBVM to a CAET at any one time.

Therefore, given the rationale for certification status and the strong concern for controlled drug issues, a CAET can only perform chemical euthanasia on an animal at the private practice veterinary facility where he is employed, and cannot be sent into the client's home for such service. Should it be necessary to euthanize a patient in the client's home, the licensed veterinarian can provide such service. Motion passed unanimously by voice vote.

4. Query presented from a lay person regarding whether or not a pet crematorium can be owned and operated by a person not licensed as a veterinarian in Louisiana. Following discussion, motion was made by Dr. Slaton, seconded by Dr. Bernard, that Mr. Tomino prepare a letter, subject to Board review, informing the inquiring lay person that a pet crematorium can be owned and operated by a person not licensed as a veterinarian in Louisiana. However, it cannot be involved in any services which constitute the practice of veterinary medicine, or the appearance that it is even involved with the practice of veterinary medicine. The practice of veterinary medicine comprises "living and dead" animals. Accordingly, no necropsy (autopsy services) may be provided if such was even considered. Veterinarians are under certain legal obligations regarding euthanasia practice, necropsy, and the release of carcasses all with client consent required. Referral by a veterinary practice to the pet crematorium is valid. Also, any animal owner that wants to present his deceased animal directly to the crematorium is valid.

In addition, the name and advertisement of the business/facility cannot be misleading. So any name one could reasonably identify or associate with the practice of veterinary medicine, such as veterinary, clinic, hospital, etc. is prohibited. Animal or Pet can be used in the name at first glance, but again depends on the total name/advertisement. Motion passed unanimously by voice vote.

## **VI. DVM APPLICANT ISSUES**

- A. Brandy C. Watson, DVM – Request for Waiver of Retake of National Examination and Preceptorship Requirement** – 2006 graduate of LSU School of Veterinary Medicine, licensed in Maryland. Following review of the

documentation submitted by Dr. Watson, motion was made by Dr. Slaton, seconded by Dr. Bernard, to deny waiver of retake of the national examination and waiver of preceptorship requirements as the documents provided did not meet the criteria of full-time clinical veterinary practice for the required periods of time immediately prior to application. Motion passed unanimously by voice vote.

**B. Patrick R. Cutbirth, DVM – Request for Waiver of Preceptorship**

**Requirement** – 2011 graduate of LSU School of Veterinary Medicine, licensed in Nevada. Following review of the documentation submitted by Dr. Cutbirth, motion was made by Dr. Green, seconded by Dr. Bernard, to approve waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required periods of time immediately prior to application. Motion passed unanimously by voice vote.

**C. Matthew D. Bernhart, DVM – Request for Waiver of Retake of National Examination and Preceptorship Requirement**

– 1995 graduate of University, of Minnesota, licensed in Minnesota, New Jersey and Ohio. Following review of the documentation submitted by Dr. Bernhart, motion was made by Dr. Slaton, seconded by Dr. Emerson, to approve waiver of retake of the national examination and waiver of preceptorship requirements as the documents provided meet the criteria of full-time clinical veterinary practice for the required periods of time immediately prior to application. Motion passed unanimously by voice vote.

**VII. MISCELLANEOUS MATTERS**

**A. New Licenses and Certificates Issued:**

Wall certificates were presented for signature for the following licenses/certificates issued since the previous Board meeting:

**DVM**

3091	Luke	Jenny Ostroske
3092	Dufrene	Janie Rodriguez
3093	Gusman	Kimberly Ann
3094	Pierce, Jr.	Kenneth Eugene
3095	Harris	Elizabeth Kathryn
3096	Carroll	Zachary Edward
3097	Loga	Alexandra
3098	Brooks	Courtney Claire

**RVT**

8245	Eroh	Kimberly Topping
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**CAET**

9614	Damian Lee	Anti
9616	Rachel E.	Donahue
9625	Brandon Marcel	Wheatley
9618	Franklin Lavelle	Hadwin Jr.

9613	Anthony Dewayne	Alexander
9617	Adrianna Colleen	Gooden
9629	Albin Troy	Lecoq
9628	Clint Joseph	White
9615	Justin William	Blue
9619	Emily Dannielle	Heartsill
9620	Rachael Marie	Jordan
9621	Kyra M.	Kelly
9622	Michael	McGinnis
9627	Laura Jeanne	Oliver
9623	Hillari Anna M.	Ruiz
9624	Jaclyn Elizabeth	Start
9626	Vikki R.	Yucaitis
9631	Kim Maria	LeBoeuf
9632	Mark Anthony	Muse
9630	Wyvette Nicole	Pryor-Cousin

**B. Winter 2012-2013 Newsletter** – Ms. Parrish presented topics and statistics to be included in the Winter 2012-2013 newsletter. Motion was made by Dr. Bernard, seconded by Dr. Green, to approve the draft newsletter information as outlined by Ms. Parrish, with the insertion of promulgated Rules 712 (Alternative Therapy/Collaborative Practice) and 1209 (Pre-Euthanasia Restraint), both effective February 2012. Motion passed unanimously by voice vote.

**C. Customer Satisfaction Questionnaire** – Ms. Parrish presented a summary of the customer service questionnaire comments from October 2011 through October 2012. The majority of the responses were positive and the results will be mailed to the appropriate state agency for reporting purposes. No action was taken on this item.

**IX. EXECUTIVE SESSION**

*Motion was made by Dr. Slaton to go into executive session to discuss issues and receive legal advice regarding potential contested matters and personnel matters, seconded by Dr. Bernard, and passed unanimously by voice vote. Upon conclusion of discussion of the issues, motion was made to return to regular session by Dr. Green, seconded by Dr. Bernard, and approved unanimously by voice vote.*

No action taken.

**X. ADJOURN**

There being no further business before the Board, motion was made by Dr. Bernard, seconded by Dr. Green, and passed unanimously by voice vote to adjourn. The meeting was adjourned at 3:02 p.m.

MINUTES REVIEWED AND APPROVED BY FULL BOARD on February 7, 2013.